

REMARKS

This is responsive to the Office Action mailed on February 6, 2007. Claims 1 and 2 and the Specification have been Amended

In the Office Action, Claims 1 through 3 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Bakhtiari et al U.S. Patent 5,886,534 in view of Gupta U.S. Patent 3,852,743. The Office Action states that "Bakhtiari discloses an apparatus and method of generation and homodyne detection substantially as claimed" except that Bakhtiari et al does not expressly disclose signals that are to be used to provide position and shift information of mobile objects. For this deficiency, the Office Action cites Gupta and states that "it discloses a homodyne Doppler radar system for detecting targets having such signals being used to provide position and shift information in mobile objects referring to Figure 1, column 3, lines 34-41.

Applicant respectfully disagrees. Even if the combination of the Bakhtiari et al and Gupta patent were possible, the combination does not meet the invention defined by either claims 1 or 2 as amended.

Applicant has amended Claims 1 and 2 and the Specification to more accurately reflect the correct translation of the priority document. No new matter is being added. The Declaration in this Application incorporates by reference in its entirety Polish Patent Application P-359376 (filed 27 March 2003) from which priority is claimed. This Application is a translation of the above mentioned Polish Patent Application. In the Application as filed the sentence under the sub-heading "Technical Field", includes the phrase "position and shift of mobile elements". This phrase corresponds to following phrase in the Certified copy of the Original Polish document "Położenia i przemieszczenia ruchomych elementów". The word in issue is the word "ruchomych" which can be translated into several English words. These English words include "mobile", "moving", or "shifting". In the context of this invention, the above mentioned Polish phrase is found to modify the clause "especially of rotor units of working turbo-machines during true-time operation". In view of this, it is apparent the "ruchomych" should have been translated not as mobile, but as moving, since it refers to rotor units of a working turbo-machine which are "moving objects". In view of this, the amendment to the Specification does not introduce new matter.

The Bakhtiari et al Patent measures properties of thin sheets of dielectric materials. As indicated in Figure 1c of Bakhtiari et al, dielectric material is placed in a sample

holder 14 to support the dielectric sample 18. (Column 4, lines 56-58). The dielectric sample is held within holder 14 and therefore is not moving. There is no teaching or suggestion in Bakhtiari et al of measuring a moving object.

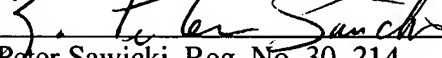
The Gupta patent in the cited section (column 3, lines 34-41), does not refer to signals that provide for position and shift of a mobile object. The Gupta Patent describes a Doppler Radar System. It is well know that Doppler radar utilizes the Doppler effect to measure the radial velocity of targets in the antenna's directional beam. Doppler effect shifts the received frequency up and down based on the radial velocity of the target in the beam, allowing for direct and accurate measurement of target velocity. It is well known that Doppler radar is a radar that produces a velocity measurement as one of its outputs. Doppler radar is not used to detect a position or shift of a moving object. The Doppler system of Gupta utilizes a frequency counter 25 to provide an indication of the range to a detected target. Frequency counter 25 is then input to a velocity indicator 26 which is used to yield an indication of the target velocity by a visual or audible indication or in any manner desired. In other words, the Doppler radar system of Gupta provides an indication of velocity as Doppler radar systems do. Doppler radar does not indicate position or shift of a moving object.

It is believed that the Application is now in condition of allowance, and reconsideration and allowance of all of the claims are respectfully requested.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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